

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

THE ONTARIO REGIMENT (RCAC))	
MUSEUM,)	
)	
Plaintiff,)	CAUSE NO. 1:17-cv-00367-WLC-
)	SLC
v.)	
)	
DEAN V. KRUSE FOUNDATION, INC.,)	
)	
Defendant.)	

OPINION AND ORDER

This case was filed in this Court on August 24, 2017, based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(2). (DE 1). The complaint alleges that Plaintiff The Ontario Regiment (RCAC) Museum (“ONTR Museum”) is a citizen of Canada because it is a “not-for-profit entity” located therein. (DE 1 ¶ 1). It alleges that Defendant Dean V. Kruse Foundation, Inc., is an “Indiana not-for-profit corporation with its principal offices located” in Indiana. (DE 1 ¶ 2).

As the party seeking to invoke federal diversity jurisdiction, a plaintiff bears the burden of demonstrating that the requirement of complete diversity has been met. *Chase v. Shop ‘N Save Warehouse Foods, Inc.*, 110 F.3d 424, 427 (7th Cir. 1997). Here, ONTR Museum fails to plead sufficient facts for diversity jurisdiction in that it fails to identify how it is organized in Canada; i.e., whether it is a corporation or an unincorporated association.

A corporation is considered a citizen of the state by which it is incorporated and the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1); *N. Trust Co. v. Bunge Corp.*, 899 F.2d 591, 594 (7th Cir. 1990). Conversely, “if a firm is not incorporated, its citizenship is determined by the citizenship of its proprietor, partners, members, or other participants.” *Wild v.*

Subscription Plus, Inc., 292 F.3d 526, 528 (7th Cir. 2002); *see Fellowes, Inc. v. Changzhou Xinrui Fellowes Office Equip. Co. Ltd.*, 759 F.3d 787, 790 (7th Cir. 2014) (finding that a business established under the laws of China had the citizenship of every member-investor). Citizenship must be “traced through multiple levels” for members of ONTR Museum if it is a partnership or a limited liability company, as anything less can result in a dismissal for want of jurisdiction. *Mut. Assignment & Indem. Co. v. Lind-Waldock & Co., LLC*, 364 F.3d 858, 861 (7th Cir. 2004).

Therefore, ONTR Museum is ORDERED to file a supplemental jurisdictional statement reciting its organizational form and citizenship, tracing citizenship through all applicable layers of ownership, if necessary.

SO ORDERED.

Enter for this 29th day of August 2017.

/s/ Susan Collins

Susan Collins

United States Magistrate Judge